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From: O'Brien, Elisabeth (DPH)
Sent: Tuesday, March 17, 2009 12:34 PM
To: Nassif, Julianne (DPH)
Cc: Salemi, Charles (DPH)
Subject: Marijuana issues

We need some guidance from the DA's office regarding the need to weigh the marijuana cases received after 1/2/09. My understanding is that it would only be necessary in "possession" cases, to prove greater than one ounce. If a case is a "possession with intent to distribute" case the weight is irrelevant. This has big implications for us because right now we are determining a net weight on ALL marijuana cases greater than an ounce no matter what the charges are. Most cases that are greater than one ounce seem to be distribution cases anyway, certainly cases that contain more than one bag. Going forward this decision is going to make or break us. My preliminary discussions with those who know more about the law than I do seem to agree that the net weight is not necessary, only on possession cases. We are currently treating these marijuana cases almost like trafficking cases which seems to be overkill given the nature of the charges. At least in trafficking cases we work so hard to establish a net weight because the defendant is facing a MANDATORY sentence. These marijuana cases have very subjective outcomes, many times resulting in very little penalty.

Let me know if you would like to discuss.

Thanks,
Betsy